

1 Alan J. Lazarus (State Bar No. 129767)
alan.lazarus@dbr.com
2 Krista L. Cosner (State Bar No. 213338)
krista.cosner@dbr.com
3 DRINKER BIDDLE & REATH LLP
50 Fremont Street 20th Floor
4 San Francisco, CA 94105-2235
Telephone: (415) 591-7500
5 Facsimile: (415) 591-7510
6 Attorneys for Defendants
SMITHKLINE BEECHAM CORPORATION d/b/a
7 GLAXOSMITHKLINE and McKESSON
CORPORATION
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 RONALD T. HAMMER
14 REPRESENTATIVE OF THE ESTATE
OF RETHA M. SPAIN (DECEASED),

15 Plaintiff,

16 v.

17 SMITHKLINE BEECHAM
CORPORATION d/b/a
18 GLAXOSMITHKLINE and McKESSON
CORPORATION,

19 Defendants.
20
21

Case No. CV-08-3394 WDB

**STIPULATION AND [PROPOSED]
ORDER EXTENDING
DEFENDANTS' TIME IN WHICH
TO RESPOND TO COMPLAINT**

22 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that the
23 time within which defendants SMITHKLINE BEECHAM CORPORATION d/b/a
24 GLAXOSMITHKLINE ("GSK") and McKESSON CORPORATION ("McKesson") (collectively
25 "Defendants") may move, answer, or otherwise respond to Plaintiff's Complaint shall be
26 governed by the Pretrial Orders entered in the multi-district litigation, *In re Avandia Marketing,*
27 *Sales Practices and Products Liability Litigation*, MDL 1871 (E.D. Pa.) before the Honorable
28

1 Cynthia M. Rufe, of the United States District Court for the Eastern District of Pennsylvania.¹

2 Pursuant to Local Rule 6-1, stipulations which alter the date of any event or any deadline
3 already fixed by the Court require court approval. Although the parties believe this stipulation
4 will have no such effect, to the extent that it does, the parties request that this Court approve the
5 proposed order below, allowing the time frame for Defendants to move, answer, or otherwise
6 respond to Plaintiff's Complaint to be governed by the Pretrial Orders entered in the multi-district
7 litigation, *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL 1871
8 (E.D. Pa.).

9 IT IS SO STIPULATED:

10 Dated: July 28, 2008

DRINKER BIDDLE & REATH LLP

12 By: /s/ Krista L. Cosner

13 Krista L. Cosner
14 Attorneys for Defendants
15 SMITHKLINE BEECHAM
16 CORPORATION d/b/a
17 GLAXOSMITHKLINE and McKESSON
18 CORPORATION

17 Dated: July 28, 2008

THE MILLER FIRM, LLC

19 By: /s/ David Andersen

20 David Andersen
21 Attorneys for Plaintiff
22 RONALD T. HAMMER

22 Pursuant to stipulation, IT IS SO ORDERED:

23 Dated: 8-3-08

24 Wayne D. Brazil
25 United States District Court, Northern
26 District of California
27 Magistrate Judge Wayne D. Brazil

28 ¹ The above-entitled action was tagged for transfer to MDL 1871 and awaits transfer by the Judicial Panel on Multidistrict Litigation.